



TOWN OF WEST HARTFORD

AGENDA ITEM SUMMARY

To: Town Council

From: Matt Hart, Town Manager

Date: 11/14/2017

CC: P. Alair, M. McGovern, T. Dumais

Subject: Ordinance Amending Certain Standards and Creating New Incentive-Based Zoning Standards Applicable in the Central Business (BC) Zone (999)

Background

At the August 29th Community Planning & Physical Services Committee meeting, the Committee reviewed the proposed zoning ordinance to incentivize appropriately scaled development in the BC zone, and made various revisions to the ordinance based on feedback from the Center Working Group and staff. The proposed ordinance creates the opportunity for Special Development District applicants in the BC zone to seek an increase in density if providing one of the following public amenities:

- Affordable Housing
- Historic Preservation
- Infill Development
- Public Space
- Private Parking Garages
- Public Art

The Town Council received the CPPS Committee's recommendation at the September 12th Council meeting.

Analysis

In 2015, multiple factors were identified as being obstacles to growth in the Center, including small lots, a maximum Floor Area Ratio (FAR) of 1.25 and the need for structured parking to support new development. Together, they present a challenge that has become known as a "density problem" in the Center. New building opportunities are currently challenged by these density restrictions, especially with structured parking spaces included in the FAR calculation. Given construction costs, it is difficult to construct a financially viable building with sufficient rentable square feet.

This realization led to a review of the FAR maximum for the Center by staff and the CPPS Committee. An ordinance was crafted in 2016 that proposed an increase of FAR to 1.75, excluded structured parking from the FAR calculation and increased story height to five for residential projects, provided the fifth story was set back from the sidewalk. This proposal was

met with opposition from neighbors in the Center and withdrawn. A second ordinance proposing to increase the FAR to 1.5 was submitted by a property owner later that year. The Council voted against the ordinance and directed staff to engage the neighbors on the issues.

The Town then established a Working Group that guided a lengthy public engagement process, which included multiple public meetings and surveys through much of 2017. During the process, the focus moved away from FAR to a broader set of issues that were highlighted as being important to the community. The ordinance that is proposed provides the opportunity for property owners to ask, through a SDD application, to build more floor area if they produce affordable housing units, preserve historic structures, offer public space or public art, build structured parking or develop infill projects that complete streetscapes in the BC Zone.

Under the proposed ordinance, SDD applicants will be able to apply for one or more of these incentive categories, but controls will remain in place. From a practical standpoint, an applicant will still need to "park" the project and no changes are being proposed to the number of allowable stories in the BC zone. The Town Plan and Zoning (TPZ) Commission will continue to review all applications for consistency with the Plan of Conservation and Development; the Design Review Advisory Committee will continue to review all applications to ensure all development proposals include designs that are high quality and contextually sensitive to adjacent neighborhoods; and the Council will be required to make specific findings, over and above what is required for other SDD applications.

The proposed ordinance was presented to the TPZ Commission on October 2nd. The Commission voted unanimously in recommending approval by the Council and found that it was an "innovative approach to encouraging appropriate development."

Financial Impact

There is no direct financial impact on the fiscal year 2018 budget. However, the ordinance is meant to incentivize development in the BC zone that will lead to future grand list growth.

Legal Review

Corporation Council has approved the form and legality of the proposed ordinance.

Recommendation

As stated above, the proposed ordinance is designed to remove obstacles to redevelopment in the Center, subject to appropriate regulatory controls. Following tonight's public hearing, the Council can move to take action on the ordinance or to continue the public hearing as necessary.

Attachments:

- 1) An Ordinance Amending Certain Standards and Creating New Incentive-Based Zoning Standards Applicable in the Central Business (BC) Zone
- 2) Referral Letter from TPZ to Town Council (See item # 16)

**An Ordinance Amending Certain Standards and
Creating New Incentive-Based Zoning Standards Applicable in the Central
Business (BC) Zone**

WHEREAS West Hartford Center is a thriving commercial district which has helped to make West Hartford a nationally recognized community; and

WHEREAS owners of commercial properties within West Hartford Center routinely approach the Town about possible reinvestment in their properties but current zoning ordinances sometimes prohibit the types of reinvestment ideas being contemplated; and

WHEREAS the potential for growth within West Hartford Center has been the subject of recent public hearings; and

WHEREAS, some residents in the areas near West Hartford Center, while supporting appropriately scaled development, have expressed concerns regarding proposed development on the character of West Hartford Center and the surrounding residential areas, including congestion, traffic, diversity of commercial uses, safety and quality of life issues; and

WHEREAS, the Town Council initiated a public planning effort which involved a robust community engagement process including workshops, online surveys and public forums on the future of development within West Hartford Center, and

WHEREAS, based upon these efforts, the Town Council adopted a Vision Statement and Guiding Principles regarding development of West Hartford Center in the BC Zone on June 27, 2017; and

WHEREAS based upon these efforts it is believed that some targeted, appropriate incremental intensification of development is desirable in West Hartford Center so long as it does not negatively impact surrounding residential neighborhoods; and

WHEREAS these revisions also provide the Town with the opportunity to incorporate concepts into our zoning ordinances that provide public benefits or amenities such as affordable housing, historic preservation, public spaces and public art

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF WEST HARTFORD THAT:

Section One: Section 177-2 of the West Hartford Code of Ordinances is hereby amended by the addition and/or revision of the following definitions thereto:

{NEW} AFFORDABLE HOUSING DEVELOPMENT

A development containing a residential component in which not fewer than 15% of the residential units are subject to covenants or restrictions which ensure that they will be sold or rented at, or below, rates which meet the requirements of Regulations of Connecticut State Agencies §8-30g-8.

GRADE, FINISHED

The completed surfaces of lawns, walks and roads brought to grades as shown on official plans or designs relating thereto. Where changes to the grade of a site are proposed, "Finished grade" shall reflect only those changes from pre-existing grades which are reasonably necessary for the construction of the subject building or structure, and does not include filling or excavation for the purpose of altering the calculation of building height, achieving scenic views or vistas, or other purposes not reasonably necessary to construction.

{NEW} HISTORIC PRESERVATION DEVELOPMENT

A development of a lot containing a building listed or eligible for listing on the National Register of Historic Places or the State Register of Historic Places either as an individual building or as a contributing building and which ensures the protection, restoration, stabilization and adaptive use of buildings, structures, objects, districts, areas and sites on the lot which are significant in the history, architecture, archaeology or culture of this state, its municipalities or the nation.

{NEW} INFILL DEVELOPMENT

Infill development is the expansion of an existing structure or the construction of a new structure provided that the newly-constructed portion thereof must be directly adjacent to and accessible from a public right-of-way, must be located within ten (10) feet from the building line and in which the ground floor consists primarily of retail or other commercial space. Infill development does not include any portion of a plan in which an existing building meeting the requirements of this definition is demolished and replaced with a new structure.

{NEW} PUBLIC ART

Any visual work of art such as but not limited to a fountain, sculpture, painting, or mural that is designed to be visible and accessible to persons in public places for the enjoyment of the general public. Public art does not include monuments or statues, as defined in this section, decorative features located on the facades of buildings or other structures, or works of art which incorporate any characteristics of advertising for commercial purposes.

{NEW} PUBLIC SPACE

Public space is defined as an area of a lot which is permanently dedicated and reserved for use by the general public for reasonable use, movement or relaxation, such as, but not limited to, commons, greens, squares, pocket parks or plazas that are located street-side or in areas of increased setbacks along the front of buildings. The area must be located at ground level and include appropriate amenities such as, but not limited to, paving, seating, landscaping, ornamental fountains, art, and lighting. Any area to be considered as public

space shall have frontage of at least fifteen (15) feet along a public street or sidewalk, be at least twenty (20) feet deep (as measured perpendicular to its frontage) and contain not less than 1,000 square feet in area. Any area which is otherwise required to remain open in order to meet setback or other requirements of this chapter shall not qualify as public space. All areas of public space shall be maintained by the owner(s) or occupant(s) of the lot upon which they are located. No area designated as public space shall display signage which states or implies that use of the area is limited to a particular group or class of persons.

Section Two: Section 177-6 of the West Hartford Code of Ordinances is hereby repealed and the following is substituted in lieu thereof:

- A. No structure shall be used, erected or expanded, and no land use shall be established or expanded, except in accordance with this chapter. The schedules contained in this article list permitted uses of land and buildings and the maximum height of buildings, the required yards, open space, area of lots and other requirements for the various districts in this chapter.
- B. Schedule of Permitted Main Uses.
- C. Schedule of Permitted Accessory Uses.
- D. Standards for the One-Family Residence Districts.
- E. Standards for Multifamily Residence Districts.
- F. Standards for Business Districts.
- G. Standards for Industrial Districts.

Section Three: Section 177-6 of the West Hartford Code of Ordinances is hereby repealed and the following is substituted in lieu thereof:

§ 177-16.6 Alteration of Standards in CBDH and BC Zones.

- A. The Town Council of West Hartford, through adoption of the Plan of Development, finds that areas zoned CBDH are characterized by physically and economically underutilized properties from the perspective of a suburban central business area and that these areas are also appropriate for residential development. It further finds that areas zoned CBDH are conducive to expanded building intensity use if the impact on the Town's infrastructure, traffic circulation and parking, residential neighborhoods and community facilities is addressed satisfactorily. Accordingly, the height of buildings may be increased to six stories, the maximum lot coverage of all buildings may be increased to that area remaining after provisions for yard

requirements and parking are met (unless said parking and/or yard requirements are waived by the Town Council) and the floor area ratio may be increased to 4.00 upon application to the Town Council for a special development district, provided that the following criteria, in addition to the criteria of § 177-44, are met:

[A]1. The Town Council must find that adequate parking exists to meet the needs of the proposed development.

[B]2. The Town Council must find that adequate street capacity exists on Raymond Road and on adjacent streets to accommodate the traffic projected to result from any increased intensity of use above that allowed as of right.

[C]3. The Town Council must find that appropriate pedestrian amenities, such as but not limited to park benches and pedestrian walkways, are provided.

B. To encourage appropriate development in the BC zone and in an effort to ensure that the district accommodates shopping, dining, leisure, work, housing and governmental services in an architecturally, economically and socially diverse and pedestrian-friendly environment that fosters a strong sense of community and meets the goals of the Town of West Hartford as outlined in the Plan of Conservation and Development, the Town Council may authorize the alterations of standards in the BC zone for floor area and dwelling units, upon application to the Town Council for a Special Development District provided that criteria of § 177-44, as may be modified or supplemented by subsection B1, are met and the findings listed in subsection B2 are made:

1. The following listed alterations of standards are available as set forth herein. These alterations are cumulative and may be combined in any qualifying development:

a. Affordable Housing Developments:

i. The number of those residential dwelling units in an affordable housing development which are designated as affordable shall be excluded in determining the maximum number of dwelling units permitted on a lot. In no case, however, shall the total of all dwelling units provided exceed one hundred fifteen percent (115%) of that allowed in the district.

ii. The floor area of those residential dwelling units in an affordable housing development which are designated as affordable shall be excluded in determining maximum permitted floor area ratio.

b. Historic Preservation Developments:

- i. Each square foot of floor area within a historic building or structure which is preserved shall be excluded in determining maximum permitted floor area ratio; provided, however, that such Historic Preservation Development should reflect the scale and design of the existing historic building which is preserved and be of an architectural quality that is compatible and complimentary to the existing historic building.

c. Infill Developments:

- i. The floor area of the ground floor shall be excluded in determining maximum permitted floor area ratio.

d. Public Space:

- i. For each square foot of public space provided, two (2) square feet of floor area shall be excluded in determining maximum permitted floor area ratio.

e. Private Parking Garages:

- i. The floor area of any private parking garage providing dedicated parking spaces for the use of residential, retail or other commercial occupants of the lot and/or their invitees shall be excluded in determining maximum permitted floor area ratio. This exclusion shall only apply to a private parking garage which:
 - A. Is fully enclosed by landscaping, architectural screening, active commercial and/or residential uses excepting those portions which provide vehicular and pedestrian access thereto; and
 - B. Is located on the first story above finished grade and/or below finished grade.

f. Public Art:

- i. For each \$1,000 of installed cost of public art, ten (10) square feet of floor area shall be excluded in determining maximum permitted floor area to a maximum exclusion of 1,500 square feet. In order to qualify for this exclusion, a

report prepared by a qualified expert and documenting the installation costs and appraised value of the art shall be provided to the Town Council.

2. The alterations of standards set forth in subsection B1 of this section shall be available provided that the following findings are made by the Town Council:
 - a. That development is of a contextually sensitive design and appropriate scale, taking into account the height and setback requirements of adjoining properties in more restrictive zones.
 - b. That adequate parking exists to meet the demand of the existing and proposed development.
 - c. That the development is in harmony with the open feeling and presence of natural light within the public realm of the district.
 - d. That adequate street capacity exists on adjacent streets to accommodate the traffic projected to result from any increased intensity of use above that allowed as of right.
 - e. That appropriate bicycle and pedestrian amenities, such as but not limited to bicycle storage and/or parking, park benches and pedestrian walkways, are provided.
3. The requirements of §177-44.1 shall also be met with respect to properties located within the Traditional Neighborhood Design District, where applicable. To the extent that the incentives allowed pursuant to this subsection B are inconsistent with the requirements of §177-44.1 as applied to any lot located within the Traditional Neighborhood Design District, the requirements of §177-44.1 shall prevail.

(Additions to existing sections or subsections are underlined and may be shown as "{NEW}" for clarity. Deletions are bracketed.)

Wenograd, Barnes, Dodge
(09/12/17)

Approved as to Form and Legality:

Patrick G. Alair, Corporation Counsel

Town of West Hartford
Standards for Business Districts

District	Lot Area (square feet)	Average Lot Width (feet)	Maxi mum Floor Area Ratio	Maximum Lot Coverage of All Buildings	Yards and Screening Adjoining Residential Districts				Yards and Screening Adjoining Nonresidence Districts				Maximum Height			
					Front Yard		Side and Rear Yard		Front Yard		Side and Rear Yard		Main Building		Accessory Building	
					Buildings	Parking Areas	Buildings	Parking Area	Buildings	Parking Areas	Buildings	Parking Areas	Stories	Feet	Stories	Feet
Office-Laboratory District (BOL)	350,000	400	0.3	15%	100 feet, including Type F screening	50 feet, including Type E screening	Same as front yard	Same as front yard	50 feet, including Type D screening	25 feet, including Type B screening	Same as front yard	Same as front yard.	3	35	1½	15
Office District (BO)	Not required	Not required	0.4	30%	Building line, including Type A screening	10 feet, including Type A screening	Each side yard and each rear yard shall have a width of at least ½ the height of the main building, but not less than 15 feet, including Type B screening. Accessory buildings may be erected to within 2 feet of the lot line if any portion of the wall facing the residence district closer than 15 feet to said lot line has no openings for windows, doors or mechanical equipment and if said wall is constructed with brick facing.	Shall be provided with Type C screening	Building line	--	One of the side yards or rear yard of the main building shall have the width of at least 1/3 of the height of said building, but not less than 10 feet, and said yard shall be accessible for firefighting purposes. ⁴ No other side or rear yard is required, but if provided, it shall be at least 4 feet wide.	--	4	45	1½	15
Residence- Institutional (RI)												3	35	1	15	
Shopping Center District (BS)												--	4	45	1½	15
Neighborhood Business District (BN) and Neighborhood Business Design District (BND)	Not required	Not required	0.62	30% ²	Building line, including Type A screening	10 feet, plus Type A screening	Side and rear yards of the main building, where said yards abut a residence district, shall have a width of at least ½ the height of said building, but not less than 15 feet, including Type B screening. Accessory buildings may be erected to within 2 feet of the lot line if any portion of the wall facing the residence district closer than 15 feet to said lot line has no openings for windows, doors or mechanical equipment and if said wall is construct5ed with brick facing.	Shall be provided with Type C screening	Building line	--	One of the side yards or rear yard of the main building shall have the width of at least 1/3 of the height of said building, but not less than 10 feet, and said yard shall be accessible for firefighting purposes. ⁴ No other side or rear yard is required, but if provided, it shall be at least 4 feet wide.		2 ²	25 ²	1½	15
Central Business District (BC)			1.25 ⁵	Ground coverage may be equal to that area remaining after provisions for yard requirements and parking are met. If parking requirements are met as stipulated under § 177-32D or G, the building coverage may be equal to that area remaining after yard requirements are met.									4	45 ¹	1½	15
General Business District (BG)			1.25										4	45	1½	15
Central Business District High- Density (CBDH)			1.25 ³	50%									4 ³	45 ³	1½	15

NOTES:
¹Maximum height may be increased to 55 feet if the first floor of the main building contains banks, retail businesses dealing directly with the consumer on the premises, establishments performing personal services or restaurants with or without alcoholic drink and other establishments serving food and nonalcoholic drink.
²In the BND Zone, floor area ratio, maximum lot coverage, stories and height may be increased pursuant to § 177-16.5 of this chapter.
³In the CBDH Zone, floor area ratio, lot coverage, maximum height and stories may be increased pursuant to § 177-16.6 of this chapter.
⁴In the CBDH Zone, no other side yards may be provided except where necessary to provide access to parking or loading facilities located in the rear of lots that are not otherwise accessible.
⁵In the BC Zone, floor area ratio may be increased pursuant to § 177-16.6 of this chapter.